

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

**CRIMINAL MINUTES – JURY TRIAL
Day 2**

Case No.: 4:18CR00011

Date: 10/8/2019

Defendant:

4:18-cr-00011-MFU-RSB-1 Marcus Jay Davis
4:18-cr-00011-MFU-RSB-2 Kevin Lamont Trent, Jr.
4:18-cr-00011-MFU-RSB-3 Kanas Lamont'e Trent
4:18-cr-00011-MFU-RSB-4 Deshaun Lamar Trent
4:18-cr-00011-MFU-RSB-5 Phillip Daekwon Miles
4:18-cr-00011-MFU-RSB-6 Shabba Larun Chandler
4:18-cr-00011-MFU-RSB-8 Ashley Tiana Ross
(bond)
4:18-cr-00011-MFU-RSB-10 Tenikqua Fuller (bond)

Counsel:

Tony Anderson, Bev Davis
Aaron Cook, Jimmy Turk
Bonnie Lepold, Mike Hemenway
Chris Kowalczyk, Patrick Kenney
Tyson Daniel, Cary Bowen
Aaron Houchens, Jeff Dorsey
Terry Grimes

Corey Diviney

PRESENT:	JUDGE:	Michael F. Urbanski, CUSDJ
	TIME IN COURT:	9:18-11:37; 12:00-12:42; 1:46-3:55; 4:10-6:48; 6:59-8:06 8h 55m
	Deputy Clerk:	Kristin Ayersman
	Court Reporter:	Judy Webb
	U. S. Attorney:	Heather Carlton, Ron Huber, Michael Newman
	USPO:	Kim Falatic
	Case Agent:	Devin Taylor, FBI, Officer
	Interpreter:	none

LIST OF WITNESSES

GOVERNMENT	DEFENDANT
1.	1.

PROCEEDINGS:

Panel 3- Jurors enter courtroom 9:40. Collective voir dire. Recess 11:37 Reconvene 12:00.
Collective voir dire continued. Recess 12:42 Reconvene 1:46 Individual voir dire. Recess 3:55
Reconvene 4:10 Court and parties address issue of agreed strikes. Individual voir dire continues.

Recess 6:48 Reconvene 6:59 Court addresses counsel/parties – voir dire will end at 5:30pm tomorrow and thereafter. Court will start at 9:30am. Court addresses dft participation in bench conferences – dfts shall remain seated. Challenges for cause. Court asks OCR to forward rough copy of Juror 19 to deal with tomorrow. Review of strikes. Dft 4 readdresses the two jurors TUA yesterday, opposition from other dfts. Court will conduct voir dire from 9:30am to 5:30pm on 10/9 – and considering conducting all voir dire by court. Parties to be in and ready to go prior to 9:30am.

- 19 struck jurors struck for cause. 1 juror TUA.
- # struck jurors struck by Government.
- # struck jurors struck by Defendant.
- # jurors sworn member jury impaneled and sworn. Remaining jurors discharged.
- ☐ Preliminary remarks and instructions to jury by Court.
- ☐ United States of America or Defendant makes oral Motion to Exclude Witnesses from Courtroom. Court grants motion.
- ☐ Opening Statements by counsel.
- ☐ Government presents evidence.
- ☐ Government rests.
- ☐ Defendant makes Motion for Judgment of Acquittal.
Court ☐ grants ☐ denies ☐ takes under advisement.
- ☐ Defendant presents evidence.
- ☐ Defendant rests.
- ☐ Defendant renews Motion for Judgment of Acquittal.
Court ☐ grants ☐ denies ☐ takes under advisement.
- ☐ Rebuttal evidence.
- ☐ Surrebuttal evidence.
- ☐ Closing Arguments.
- ☐ Jury Instructions given to Jury.
- ☐ Objections to Jury Instructions by U.S.A and/or Defendant.
Court ☐ overrules ☐ grants.
- ☐ Jury retires to deliberate at Time retired.
- ☐ Jury returns at Time returned.
- ☐ Jury Verdict: Verdict?
 - ☐ Jury polled. ☐ Polling waived.
 - ☐ Mistrial declared. ☐ Jury discharged.
- ☐ Motions after verdict:
- ☐ Sentencing set for _____.
- ☐ Sentencing to be set by Clerk.
- ☐ Court orders Presentence Report.
- ☐ Defendant remanded to custody.
- ☐ Defendant to remain on bond.

Additional Information:

Court vacates retention of two jurors from 10/7/19 and takes them under advisement.